

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
*Filed Electronically***

NICK CONLEY,)	
)	
Plaintiff)	Civil Action No. 1:17-cv-00087
)	
v.)	
)	
PORTFOLIO RECOVERY)	
ASSOCIATES, LLC,)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a), Defendant Portfolio Recovery Associates, LLC (“PRA”), by and through its undersigned counsel, hereby files its Notice of Removal to remove the instant civil action to this Court. In support thereof, PRA states as follows:

INTRODUCTION

1. The above named Plaintiff, Nick Conley (“Conley”) filed a state court lawsuit against PRA asserting claims for ostensible violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

2. PRA files this Notice of Removal because Conley’s claims are based on ostensible violations of the FDCPA. Accordingly, his claims present federal questions for which original jurisdiction lies in this Court.

BACKGROUND FACTS

3. On or about December 22, 2016, Conley filed a Complaint in Case No. 16-11806SC in the Small Claims Court for the 8th Judicial District of Michigan against PRA.

4. PRA was served with a copy of the Summons and Complaint on or about December 28, 2016.

5. Conley's Complaint alleges that PRA ostensibly violated the FDCPA by reporting a debt that Conley allegedly does not owe to credit reporting agencies without proper validation of the debt as required by the FDCPA.

COMPLIANCE WITH THE REMOVAL STATUTES

6. This Notice of Removal is brought pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446. PRA removes the case to this Court.

7. Because an action under the FDCPA is a civil action arising under the Constitution, laws, or treaties of the United States, the United States District Court has original jurisdiction over this action pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331. Therefore, removal of this action is appropriate pursuant to 28 U.S.C. § 1441.

8. This Notice of Removal has been filed within thirty days after PRA was served with a copy of the summons and the Complaint in compliance with 28 U.S.C. § 1446(b).

9. Therefore, removal of the entire action is appropriate pursuant to 28 U.S.C. § 1441.

10. Pursuant to 28 U.S.C. § 1441(a) and LR 3.2, venue is proper in this Court because Kalamazoo County is served by the Western District of Michigan, Southern Division.

11. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon PRA or filed by PRA to date in this action are attached hereto as **Exhibit 1**.

12. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), PRA has seven days from the date this Notice of Removal is filed to file a response to the Complaint.

13. Pursuant to 28 U.S.C. § 1446(d), a Notice of Filing and a copy of this Notice of Removal is also being simultaneously filed with the Small Claims Court for the 8th Judicial District of Michigan, a copy of which, without exhibits, is attached hereto as **Exhibit 2**, and this Notice of Removal is being served per the Certificate of Service.

CONCLUSION

14. Therefore, PRA hereby gives notice pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, of this removal from the Small Claims Court for the 8th Judicial District of Michigan to the United States District Court for the Western District of Michigan, Southern Division.

WHEREFORE, Defendant Portfolio Recovery Associates, LLC respectfully requests that this action be removed to this Court.

DINSMORE & SHOHL LLP

Dated: January 24, 2017

/s/ Jason M. Renner
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Counsel for Defendant

CERTIFICATE OF SERVICE

It is hereby certified that I electronically filed the foregoing document via the CM/ECF System. I further certify that I mailed the foregoing document by FedEx Overnight, this the 24th day of January, 2017, to the Plaintiff:

Nick Conley
1820 Sheridan Drive
Kalamazoo, MI 49001
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/s/ Jason M. Renner
Counsel for Portfolio Recovery Associates, LLC